

The vote, as the Chair previously announced, is upon the adoption of the amendments of the Committee on Style as modified to GP-7, GP-8, GP-9, and GP-12.

The Clerk will record the vote.

There being 95 votes in the affirmative—Mr. Boileau votes Aye—96 votes in the affirmative, none in the negative, the amendments of the Committee on Style as modified are adopted.

We now turn to the substantive amendments to the same provisions that we have been reviewing. First, section 10.01, Effect of Constitution on Existing Law. Are there any substantive amendments?

I have an amendment here of Delegate Gilchrist.

Delegate Gilchrist, do you wish to offer the amendment to section 10.01?

DELEGATE GILCHRIST: Mr. Chairman, that is not an amendment as to style, that is a substantive amendment.

DELEGATE JAMES (presiding): We are now reviewing the sections as to substantive amendments.

DELEGATE GILCHRIST: The amendment has not gotten to me yet, but I do wish to offer it.

DELEGATE JAMES (presiding): The pages will distribute the amendment marked "F". This will be Amendment No. 4.

Unfortunately, we have two amendments marked "F". This is Amendment F offered by Delegate Gilchrist.

The Clerk will read the amendment.

READING CLERK: Amendment No. 4 as amended by Report S&D-17 to Committee Recommendation GP-7, GP-8, GP-9, GP-12, R&P-1, and LB-3 on second reading by Delegate Gilchrist. On page 1, section 10.01, Effect of Constitution on Existing Law, in line 19 after the word "modified" add the words "by existing law or".

DELEGATE JAMES (presiding): Delegate Gilchrist.

DELEGATE GILCHRIST: Mr. President, this amendment is offered in order to clear a matter which might be sufficiently confusing to require court interpretation.

As an example of it, I might suggest that if you will read the last part of the sentence, in part it says, for example, "all causes of actions shall continue unaffected except as modified in accordance with the

provisions of this constitution." This would leave open the question of whether or not rules of court which might have applied, might be eliminated by this. The same thing would be true, for example, if you said "existing sentences shall continue unaffected except as modified in accordance with the provisions of the constitution."

There are a great many things which could modify existing causes of action, existing rights, existing sentences, that are not constitutional matters, and the intention of the amendment is to make sure that existing law is also applicable as a modifier of these.

The matter has been discussed with the Chairman of the Committee on General Provision, and he concurs in the amendment.

DELEGATE JAMES (presiding): Delegate Boyer.

DELEGATE BOYER: Mr. President, Delegate Gilchrist did come to me about an hour ago about this particular situation, and I can see where there might possibly be some confusion arising concerning statutes of limitations or some other matters.

I personally have no objection to the adoption of the amendment.

DELEGATE JAMES (presiding): Delegate Hardwicke.

DELEGATE HARDWICKE: Would Delegate Gilchrist yield for a question?

DELEGATE JAMES (presiding): Delegate Gilchrist?

DELEGATE GILCHRIST: Certainly.

DELEGATE HARDWICKE: Is the word "existing" in line 3 of the amendment to be the same "existing" as exists in line 13 of the recommendation?

DELEGATE GILCHRIST: It is intended to refer to the legislation and all other law which is referred to in lines 8 and 9 of the committee recommendation.

DELEGATE JAMES (presiding): Delegate Hardwicke.

DELEGATE HARDWICKE: Is it your intention by this amendment to preserve over into sentences, for example, or judgments, the law which exists at the time these sentences or judgments are imposed, or is it your intention that the law in existence at the time the judgment or sentence is being considered, at some later date after the constitution is adopted, is the law